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PTO/SB/21 (08-00)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

7

Application Number

09/870,216

Filing Date

May 30, 2001

First Named Inventor

Charles A. Nicolette

Group Art Unit

1653

Examiner Name

Not Yet Assigned

Attorney Docket No.

GZ 2101.00

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TECH CENTER 1600/2900**ENCLOSURES (check all that apply)**

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|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers
(for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declarations | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | Form PTO 1449A & B w/ four references and Return Postcard |
| <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/
Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts
under 37 CFR 1.52 or 1.53 | | |

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm

or

Individual Name

Antoinette F. Konski
Bingham McCutchen LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111

Signature

Antoinette F. Konski

Date

Feb. 19, 2003

CERTIFICATE OF MAILINGI hereby certify that this paper and all enclosures are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: ~~Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231~~

February 19, 2003

Peggy Nichols

Peggy Nichols

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Dated: February 19, 2003
Peggy Nichols
Peggy Nichols



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Charles A. NICOLETTE

Serial No.: 09/870,216

Filing Date: May 30, 2001

For: THERAPEUTIC COMPOUNDS FOR
OVARIAN CANCER

Examiner: Not Yet Assigned

Group Art Unit: 1653

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Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached forms PTO-1449a and PTO-1449b are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. The Examiner is requested to make these documents of record.

I. Timing of the Information Disclosure Statement

This Information Disclosure Statement is submitted:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☒ Within three months of the application filing date or before receipt of a first Office Action on the merits; accordingly, no fee or separate requirements are required.

- ☐ Before the mailing date of the first Office Action on the merits. In the event, however that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).
- ☐ After receipt of a first Office Action on the merits but before a final Office Action or Notice of Allowance. A fee is required. The Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).
- ☐ After receipt of a final Office Action or Notice of Allowance, but before payment of the issue fee. Accordingly, a Certification under 37 C.F.R. § 1.97(e) is provided herein. The Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

The undersigned certifies that:

- ☐ Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

II. Copies of the Cited Items:

- ☒ Copies of all of the items listed on the attached Form PTO-1449 are enclosed.
- ☐ Copies of only the following items listed on the attached Form PTO-1449 are enclosed: _____.

- ☐ Copies of those items which are marked with an asterisk (*) in the attached Forms PTO-1449a and 1449b are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application.
- ☐ Copies of those items which are marked with an asterisk (**) in the attached Form PTO-1499 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

III. Concise Explanation of Relevance:

- ☒ A concise explanation of relevance of the items listed on Form PTO-1449 is not given.
- ☐ A concise explanation of relevance of [some of] the items listed on Form PTO-1449 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

IV. Conclusion:

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other

~~and on the marks~~

The Commissioner is hereby authorized to charge Deposit Account No. 50-2518,
Attorney Billing Ref. 19442-7216 for any additional fees required in connection with the
filing of this Information Disclosure Statement.

Respectfully submitted,

Dated: Feb. 18, 2003

By: Antoinette F. Konski
Antoinette F. Konski
Registration No. 34,202

Bingham McCutchen LLP (formerly McCutchen Doyle Brown & Enersen LLP)
Three Embarcadero Center, Suite 1800
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Substitute for form 1449B-PTO

Complete if Known

Application Number	09/870,216
Filing Date	May 30, 2001
First Named Inventor	Nicolette
Art Unit	1653
Examiner Name	Unassigned
Attorney Docket Number	GZ 2101.00

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher city and/or country where published	T ²
	1	PINCHEIRA R. ET AL.: "Identification of a 170-kDa protein over-expressed in lung cancers." BRITISH JOURNAL OF CANCER (2001) 84(11):1520-1527.	
	2	ROTHER MARCUS ET AL.: "Eukaryotic initiation factor 3 p110 mRNA is overexpressed in testicular seminomas." AMERICAN JOURNAL OF PATHOLOGY (2001) 157(5):1597-1604.	
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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A-PTO

Complete if Known

Application Number	09/870,216
Filing Date	May 30, 2001
First Named Inventor	Nicolette
Art Unit	1653
Examiner Name	Unassigned
Attorney Docket Number	GZ 2101.00



INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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PATENT SHEET

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number – Kind Code ² (if known)	Publication Date MM-DD-YY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US-			
	2	US-			
	3	US-			
	4	US-			
	5	US-			
	6	US-			
	7	US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ – Number ⁴ – Kind Code ⁵ (if known)	Publication Date MM-DD-YY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	8	WO 00/36144 A	06-22-00	Jorma	Entire doc.	
	9	WO 01/92307 A	12-06-01	Genzyme	Entire doc.	
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¹ Enter Office that issued the document, by the two-letter code (WFO Standard ST 1.2). ² See *Kind's Codes of USPTO Patent Documents* at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WFO Standard ST 1.2). ⁴ For Japanese patent documents, the indication of the year of the document precedes the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WFO Standard ST 1.2. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A-PTO

Complete if Known

Application Number	09/870,216
Filing Date	May 30, 2001
First Named Inventor	Nicolette
Art Unit	1653
Examiner Name	Unassigned
Attorney Docket Number	GZ 2101.00



INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet	1	of	1
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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number – Kind Code ² (if known)	Publication Date MM-DD-YY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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	8	WO 00/36144 A	06-22-00	Jorma	Entire doc.	
	9	WO 01/92307 A	12-06-01	Genzyme	Entire doc.	
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¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code WFO, Stpol, etc. ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document, by the appropriate symbol as indicated in the document under WFO, Stpol, etc. ⁶ If possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

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Substitute for form 1449B-PTO

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Application Number 09/870,216
 Filing Date May 30, 2001
 First Named Inventor Nicolette
 Art Unit 1653
 Examiner Name Unassigned
 Attorney Docket Number GZ 2101.00

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher city and/or country where published	T ²
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